

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

KIMBERLY M. McBEE

PLAINTIFF

V.

CIVIL ACTION NO. 2:18-cv-2177-MEF

ANDREW M. SAUL, Commissioner
Social Security Administration

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and the parties having waived oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The Court does not find substantial evidence to support the ALJ's RFC determination in this case. The record indicates Plaintiff suffers from a combination of physical impairments including carpal tunnel syndrome, degenerative disc disease, and reconstructive surgery of her left hip. Additionally, RFC assessments from two treating medical providers, Dr. Park and Mr. Erickson, were submitted to the Appeals Council, and the Court concludes the Appeals Council erred in finding this additional evidence does not relate to the period at issue. Accordingly,

on remand, the ALJ is directed to recontact Dr. Park, her treating back surgeon, and Mr. Erickson, the nurse for Plaintiff's hip surgeon, Dr. Martin, to clarify how they determined Plaintiff's limitations in the RFC assessments they provided. Further development of the record is allowed so Dr. Park and Mr. Erickson can identify the objective evidence supporting their assessments. The ALJ should then reconsider Plaintiff's RFC in light of the additional evidence.

IT IS SO ORDERED AND ADJUDGED on this the 23rd day of September, 2019.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE